

## **REMARKS**

### **I. Petition for Extension of Time**

Applicants herewith petition the Commissioner for Patents to extend the time for response to the Office Action mailed 18 August 2009 for three (3) months from 18 November 2009 to 18 February 2010. Authorization is given to charge the extension of time fee of \$1110.00 (37 C.F.R. §1.136 and §1.17) to Deposit Account No. 23-1703. Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

### **II. Disposition of Claims**

Claims 15-28 are pending. Due to the restriction requirement of record, claims 19-23 remain withdrawn from consideration. As noted on page 2 of the Office Action, the search and examination for the present application has been extend to include the species of previously withdrawn 26 and 27. Claims 15-18 and 24-28 are under consideration.

### **III. Abstract**

As required by 37 C.F.R. §1.72(b), an abstract on a separate sheet is submitted concurrently herewith.

### **IV. Claim rejection – 35 C.F.R. §112, first paragraph**

Claims 17, 18, 24, 25 and 28 are rejected under 35 C.F.R. §112, first paragraph, for lack of enablement. As recommended by the Examiner on page 5 of the Office Action, the specification has been amended by deleting embodiments that are drawn to a prevention modality. Withdrawal of the rejection is requested.

### **V. Claim rejection – 35 C.F.R. §112, second paragraph**

Claims 15, 17, 18, 24, 25 and 28 are rejected under 35 C.F.R. §112, second paragraph, for indefiniteness. As recommended by the Examiner on page 6 of the Office Action, the preamble of claims 15, 17 and 18 have been amended to recite that the therapeutic population are patients suffering from GERD. Withdrawal of the rejection is requested

#### **VI. Interview Summary**

On behalf of Applicants, the undersigned Attorney wishes to thank the Examiner for the courtesy of the telephonic interview that took place on 4 February 2010. The undersigned Attorney agrees with the Examiner's summary of the substance of that interview as set forth in the Interview Summary, mailed 16 February 2010. As discussed, the rejections of record under 35 U.S.C. §112 have been obviated by the amendments to the specification and claims, respectively, thus placing the application in condition for allowance. However, before the application proceeds to allowance, the Examiner has indicated in the Interview Summary that a search and examination will be extended to the administration of mGluR5 antagonists as recited in method claims 15-18. If such subject matter is free of the prior art, the application would then proceed to allowance.

#### **CONCLUSION**

The claim amendments made herein render moot the claim rejections of record. Therefore, it is submitted that application is in condition for allowance.

Authorization is hereby given to charge any fee due in connection with this communication to Deposit Account No. 23-1703.

Dated: 17 February 2010

Respectfully submitted,

/John M. Genova/

John M. Genova  
Reg. No. 32,224

Customer No. 07470  
Direct Line: (212) 819-8832